

CWP (PIL) No. 11645 of 2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP (PIL) No. 11645 of 2016

Date of decision: 17.07.2019

Aas Mohammad

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Shiva Khurmi, Advocate,
for the petitioner.

Mr. Lokesh Sinhal, Additional A.G., Haryana.

Ms. Manant Anand, Advocate, for
Mr. Pritam Saini, Advocate,
for respondent No.9.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

This writ petition in the nature of Public Interest Litigation has
been filed, seeking following main prayer:-

*Issue an appropriate writ, order or direction
especially in the nature of Mandamus, thereby directing the
restraining the official respondents to forthwith stop illegal
and unauthorised mining in Aravali Hills Range being done
by respondent No.9, in order to maintain environmental and
ecological balance with a further prayer for issuance of
appropriate writ, order or direction to the official respondents
thereby commanding them to take appropriate action against
respondent No.9, in accordance with law in the interest of
justice and equity.*

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In response to the notice of motion, respondents No.2,6 and 7 have filed a joint written statement, wherein in Preliminary Submission No.2, it has been categorically stated that no illegal mining activity is going on in the forest area of the Forest Department in district Mewat. Further, neither the petitioner has mentioned any particular point qua the site of alleged illegal mining nor details of the revenue estate, i.e. locality and khasra numbers, have been disclosed.

Respondent No.3, in its written statement, has stated that State Government has constituted a District Level Task Force Committee with District Collector, as its Chairman, and Superintendent of Police, Regional Transport Authority, Divisional Forest Officer, Regional Officer, Haryana State Pollution Control Board, as its members. It is further stated that meetings of the said Committee are held regularly on monthly basis, and at no point of time, any such illegal mining activity, as alleged by the petitioner in the present petition, has come to the notice of the said Committee.

Respondent No.4, Special Secretary and Director, Mines & Geology, Haryana, in the written statement, stated that no illegal mining activity has been carried out in the area falling in district Mewat, where at present, mining is closed, as per the order of Hon'ble the Apex Court.

It is pertinent to mention that the averments made in the written statements filed by the State-respondents remained unrebutted, inasmuch as, the same have not been denied by the petitioner by filing any replication or counter-affidavit.

From the perusal of the abovesaid categoric and specific averments taken in the written statements filed by the State-respondents, it is clear that no illegal mining activity is being carried out in the Aravalli Hills

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Range, the same having been closed under the orders of Hon'ble the Apex Court. Thus, this Public Interest Litigation, making such vague and general allegations without being supported by any material, is nothing but a gross abuse of process of law and seems to be a publicity interest litigation.

In view of the above, this petition is dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

July 17, 2019

AK Sharma

Whether speaking / reasoned:

YES

Whether Reportable:

NO